

April 20, 2000

Honorable Carol M. Browner  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Browner:

On behalf of the Governmental Advisory Committee (GAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC), it is my pleasure to submit to you the following report from our meeting in San Antonio, Texas on January 27-28, 2000.

A major portion of our discussions focused on the June 2000 CEC Council Session and the role the U.S. will play as host. Several other issues were discussed during our meeting, including Transboundary Environmental Impact Assessment (TEIA) mechanisms; U.S. - Mexico border congestion; indigenous peoples issues; the Framework for Public Participation in CEC Activities; the North American Fund for Environmental Cooperation (NAFEC); and the benefits of a Mexican and Canadian GAC.

Transboundary Environmental Impact Assessment (TEIA)

As noted in previous letters of advice, the Committee supports implementation of a TEIA process that recognizes and builds on existing mechanisms for state-to-state and state-to-province communication and cooperation on transboundary impacts. We have also previously cited the need for resources to develop state-to-state and state-to-province voluntary agreements.

We are very pleased that the U.S. government has followed our earlier recommendation to enlist the Western Governor's Association (WGA) in the development of model state-to-state TEIA approaches. The Committee continues to believe that the WGA's credibility and extensive involvement in TEIA issues will be an invaluable asset in achieving the objectives of TEIA.

Developing a set of minimum TEIA standards that are acceptable to the border states is a crucial step in finding ways of assuring the prompt notification and assessment of proposed projects subject to state or provincial decision-making. As noted in our previous advice, initial efforts to develop model TEIA approaches should focus on the U.S. - Mexican border--but not to the exclusion of moving ahead on efforts along the U.S. - Canadian border. As the WGA progresses with its work along the U.S.- Mexican border, we encourage it to share information with appropriate organizations along the U.S. - Canadian border.

### U.S. - Mexico Border Congestion

Increasing the efficient movement of goods and services across the U.S. - Mexico border remains a contentious issue. With the surge of economic activity between the U.S. and Mexico as a result of the North American Free Trade Agreement (NAFTA) and with rapid population growth along the border, the committee recognizes the need to develop solutions for border congestion at bridges throughout the region. We urge the U.S. and Mexico to work cooperatively by exploring possible solutions to vehicular congestion at border crossings.

It appears that insufficient staffing at the bridges may contribute to this problem and this issue should be carefully evaluated. We also urge both governments to engage the business community, and in particular the maquiladoras, in efforts to control congestion at the U.S.-Mexico border.

### Indigenous Peoples Issues

We continue to encourage the participation of indigenous peoples in the North American trade and environment forum and to emphasize the need for the CEC to address the concerns of indigenous peoples in Canada, Mexico and the United States. Mel Moon, a member of the Governmental Advisory Committee, organized a conference on "NAFTA, the Environment and Indigenous Peoples of the Northwest," which was held in Seattle, Washington on September 9, 1999 in conjunction with a meeting of the U.S. NAC and GAC. We commend him for orchestrating this extremely successful conference which also provided a forum for interaction between the Committee members and the U.S. - Canadian tribal community of the Northwest. A summary of the conference is attached. We are grateful to the U.S. EPA for providing financial assistance for this regional tribal gathering.

The Northwest conference followed a similar meeting held in San Diego, California on February 3-5, 1998, which focused on identifying and addressing the needs of tribes in the Southwest border region. A summary of that conference was provided with a previous Committee report.

### Framework for Public Participation in CEC Activities

We commend the Joint Public Advisory Committee (JPAC) and the CEC Secretariat for their roles in developing the "Framework for Public Participation in Commission for Environmental Cooperation Activities." The GAC suggests that the framework be reviewed periodically to ensure continuous improvement in the CEC public participation process. We acknowledge the hard work and dedication of the CEC in completing a document which describes a clear set of public participation principles. We also express our appreciation to the JPAC for

helping to develop the public participation guidelines and for their leadership in promoting improvements in this crucial aspect of the CEC's work.

#### North American Fund for Environmental Cooperation (NAFEC)

The GAC continues to support NAFEC as a mechanism that the CEC can employ to connect to local organizations and issues, to build grassroots capacity, and to foster cross-border collaboration. We are pleased that the CEC is implementing our earlier recommendation to focus the program on specific themes and to link grants more closely with CEC program priorities.

Although progress has been made, we believe that more can be done to highlight the value of these community-based projects. The Committee encourages the CEC to identify successful NAFEC projects that are transferable and beneficial to other parts of North America. By increasing the visibility of such projects and by sharing the lessons learned, the CEC will multiply the benefits of the NAFEC.

The GAC expresses its frustration in receiving little feedback on the status of NAFEC grants, which adds to the difficulty of evaluating the sufficiency of the fund and the value of these grants. We recommend that the CEC incorporate specific criteria in the grant evaluation process, including a description of model approaches, lessons learned, and transferable elements of the project.

#### Public Participation Strategies for the June 2000 Council Session

The CEC mission underscores the importance of public participation in fostering improvement in the North American environment. We have discussed the issue of public participation at great lengths, and we have repeatedly urged the U.S. Government and the CEC to search for innovative ways to increase public participation in the CEC's work.

The GAC is pleased that our recommendation to consider a new format for the upcoming CEC Council Session is being implemented. The structure proposed by the GAC includes a conference highlighting the work of the CEC, workshops on key CEC programs, and a joint JPAC/Council public session.

The GAC continues to recommend that the CEC sponsor a major annual conference on environmental cooperation in North America and incorporate the CEC Council Session as one element of the conference. The GAC views the conference as an opportunity to both celebrate the CEC's work in North America and to display the cooperative work of all three counties. This approach also allows the Secretariat to showcase the substantive work of the CEC, to improve public understanding of the CEC's mission, to solicit public participation in strategic planning and

work program development, and to build partnerships with non-governmental organizations, industry, government officials, and members of the public.

The GAC believes that the best strategy for engaging the public in the upcoming Ministerial is to convene workshops highlighting the projects of the CEC work program. These thematic workshops and associated presentations can be organized by the Secretariat staff, along with relevant government officials and stakeholders. Focusing the workshops on specific CEC projects presents an opportunity for the public, the Secretariat, and government officials to discuss the merits of individual projects, the lessons learned, and desirable follow-up steps.

The Committee believes that as part of these focused workshops, it would be very valuable to include a panel of representatives from the North American Development Bank (NADBank), the Border Environmental Cooperation Commission (BECC), and the International Joint Commission (IJC). This forum would highlight the value of each organization and their respective roles in CEC-related issues.

We also support engaging members of Congress and other federal agencies in the upcoming CEC Council Session, including representatives of the Appropriations Committees. Inviting Congressional representatives to attend CEC workshops on specific topics of interest would help reinforce the benefits of funding the work of the CEC.

The GAC discussed alternatives to the two-minute public comment periods associated with past CEC Council Sessions in order to improve the public participation process. The Committee members expressed concern about possible duplication of effort resulting from separate JPAC and the Council public meetings. We recommend that you consider (1) combining the two meetings into one public forum; (2) designating a spokesperson from the workshops to report to the Council and the JPAC; (3) extending the public comment time to the Council and the JPAC; and (4) perhaps having the Alternate Representatives report the public's comments to the Council and the JPAC.

The GAC also recommends that a formal report be compiled summarizing the past year's progress in advancing the CEC work program. As part of the joint public session, this summary could be presented to the Ministers, and would help them to reflect on the CEC's progress and to plan for the next year. Proceedings from the Session could be produced and could include the public comments, reports from the workshops and joint public sessions, and the final communiqué.

#### The Benefits of Having a Mexican and Canadian GAC

The U.S. GAC continues to urge Mexico and Canada to form Governmental Advisory Committees. We believe that both countries would benefit immensely from state, local, and

municipal representation during discussions of tri-lateral environmental concerns. The U.S. GAC brings a unique perspective to the policy-making process. We hope that Canada and Mexico will also soon have the benefit of a similar resource.

Other Items

We thank the U.S. EPA for expediting its consideration of new Committee members, and we have recommended that an orientation session be held for new members in a separate forum from the NAC and GAC meetings (this will in fact be done on April 26). We also suggest that a site visit relating to the work of the CEC be considered for future meetings.

Thank you for giving us the opportunity to serve on the Governmental Advisory Committee. Please contact me if you have any questions or concerns regarding our report. We look forward to your response.

Sincerely,

Robert Varney, Chair  
Governmental Advisory Committee

Attachment

cc: William Nitze  
Clarence Hardy  
Ana Corado  
Mark Joyce  
GAC Members